



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,462	01/15/2004	Tadashi Morita	VX032585	5062
21369	7590	07/17/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DR. SUITE 101 RESTON, VA 20191			LUU, MATTHEW	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/757,462	MORITA ET AL.	
	Examiner	Art Unit	
	LUU MATTHEW	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "indicating that the communication is from the user only during the communication period and for communications having the identifier associated with the terminal" as recited in claim 1; "the user information acquired prior to the resale or transfer will be re-used during the updated communication period" as recited in claim 3; the limitation "wherein the server is configured to facilitate notifying the terminal after expiry of a predetermined period prior to an expiration of the communication period" as recited in claim 5; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

Art Unit: 3663

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1, lines 4-5, "associating a unique and fixed identifier with the terminal", it is unclear the unique and fixed identifier with the terminal or within the terminal.

Regarding claim 1, lines 7-9, it is unclear where in the specification and drawings that discloses "indicating that the communication is from the user only during the communication period and for communications having the identifier associated with the

Art Unit: 3663

terminal". What is the difference between the "communication" and "communications having the identifier associated with the terminal"?

Regarding claim 2, line 5, "rewriting user information", it is unclear whether the server rewrites the existing user information or the new user information.

Regarding claim 3, it is unclear where in the specification and drawings that discloses "the user information acquired prior to the resale or transfer will be re-used during the updated communication period". It is unclear whether the Applicant refers to the existence user information or the new user information.

Regarding claim 4, lines 2-4, it is unclear where in the specification and drawings that discloses "wherein the server discloses the user information to a user of the terminal if the user information is to be re-used". It is unclear whether the Applicant refers to the existence user information or the new user information since the claim language is flip-flopping between "a user" and "the user".

Regarding claim 5, lines 2-4, it is unclear where in the specification and drawings that discloses "wherein the server is configured to facilitate notifying the terminal after expiry of a predetermined period prior to an expiration of the communication period". It is unclear what is the difference between "an expiry of a predetermined period " and "an expiration of the communication period".

Dependent claims are also considered rejected for incorporating the defects from their respective parent claim by dependency.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8, 10 and 12 are, as best understood, rejected under 35 U.S.C. 103(a) as being unpatentable over Obata et al (US 2002/0123840) in view of Hisano et al (US 2004/0204032).

Regarding claim 1, as best understood, Obata discloses (Fig. 1) a traveling machine management system comprising:

a terminal (vehicle terminal 100) provided on a traveling machine (shipping truck); and

a server (information center 200) connected to the terminal (100) through a communication channel (vehicle terminal communication server 220 and router 240), the server (200) configured to facilitate managing the traveling machine (shipping truck) (Section 26).

Obata further discloses (Fig. 4) the server (200) associating with a unique identifier (the terminal 100 having a unique identifier such as the vehicle number or ID, thus the terminal 100 can also be considered as a unique identifier) (Sections 26 and 27).

Obata also discloses (Figs. 5 and 6) the server has means (display screen) which acquires the identifier of the terminal (vehicle number or ID) and means (control center 200) which manages a communication period of the terminal based on the acquired identifier (Section 28, "a fixed time interval position reporting mode" is the claimed communication period having a start and an end with the terminal.)

Obata fails to explicitly teach wherein the server "indicating that the communication is from the user only during the communication period".

However, Hisano discloses (Figs. 1 and 4-7) a terminal (vehicle terminal 100) provided on a traveling machine (vehicle); and a server (service center 110) connected to the terminal (100) through a communication channel (control channel 120), wherein the server (110) indicating that the communications is from the user only during the communication period, which is the allocated time as indicated in Figs. 6 and 7 (Sections 19, 37-39, and 45).

Therefore, it would have been obvious to a person of ordinary skill in the art to use the wireless terminal of Hisano for the vehicle terminal of Obata to allow

Art Unit: 3663

transmission of a big capacity data via a high-speed wireless communication network at a low cost as suggested by Hisano (Section 18).

Regarding claim 2, note the rejection as set forth above with respect to claim 1.

Obata further discloses (Fig. 1) the server (information center 200) has means (monitor server 210 and vehicle terminal communication server 220) for acquires transfer information on the terminal.

Obata further discloses (Fig. 2) wherein the server further configured to facilitate acquiring user information indicating a new user of the terminal (Section 27, lines 10-25)

Furthermore, the type of information being transferred (such as resale/transfer user information) is not critical to the function of the system since the type of data being used or transferred is a non-functional descriptive material.

Furthermore, the process of updating a new user information of a wireless terminal, such as a cellular phone, PDA, or navigational device is conventional in the art.

Obata does not explicitly teach "means which rewrites information on the terminal accumulated in the server and/or the terminal".

However, since Obata teaches (Fig. 6, sections 35-36) the GPS position information is transferred back and forth between the vehicle terminal (100) and the server (information center 200), it would have been obvious to a person of ordinary skill in the art to recognize that the GPS position information can be rewrote or updated

Art Unit: 3663

every time the position of the vehicle is changed or updated. See also section 27, lines 10-25.

Regarding claim 3, Obata discloses (Fig. 1) the server (center information 200) has means (vehicle terminal communication server and database 230), which inquires information prior to transfer (settings information, position information).

Furthermore, the limitation it is unclear where in the specification and drawings that discloses “the user information acquired prior to the resale or transfer will be re-used during the updated communication period”. It is unclear whether the Applicant refers to the existence user information or the new user information.

Regarding claim 4, as best understood, Obata discloses (Fig. 1) the server (center information 200) has means (vehicle terminal communication server and database 230), which inquires the necessity information such as the vehicle number or position the prior to transfer.

Furthermore, it is unclear where in the specification and drawings that discloses “wherein the server discloses the user information to a user of the terminal if the user information is to be re-used”. It is unclear whether the Applicant refers to the existence user information or the new user information since the claim language is flip-flopping between “a user” and “the user”.

Furthermore, the type of information being transferred (such as resale/transfer user information) is not critical to the function of the system since the type of data being

Art Unit: 3663

used or transferred is a non-functional descriptive material. The process of updating a new user information of a wireless terminal, such as a cellular phone, PDA, or navigational device is conventional in the art.

Regarding claim 5, Obata discloses (Fig. 3) the terminal (100) notifies (reports) to the server (200) of the fact that a predetermined period of the communication period has passed (S300 and S400) (Section 28, lines 8-15).

Obata fails to teach the server has means to notify the terminal, instead of the terminal notifies the server when the communication period has expired. However, it is well known in the art that in the networking system, both the server and client can transfer communication information back and forth to each other.

Claims 8, 10 and 12 are corresponding to claim 5, therefore, note the rejection as set forth above with respect to claim 5.

Claim Rejections - 35 USC § 103

Claims 6, 7, 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obata in view of Hisano as applied to claims 1 and 2 above, and further in view of Gray et al (4,651,157).

Regarding claim 6, Obata further discloses (Fig. 1) the vehicle terminal (100) has means (GPS), which acquires the current position of the traveling machine (truck) carrying the terminal (100).

The server (200) has means (monitoring sever 210 and database 230), which acquires the current position information output by the terminal (100).

Obata fails to teach the server outputs alarm information when the terminal is outside a preset range.

However, Gray discloses (Figs. 1 and 2) a well-known security monitoring and tracking system for vehicle based on the range of distant radius (Column 3, lines 15-28 and column 4, lines 15-27).

Therefore, since Obata also teaches his "system of reporting positions at specified time intervals when the vehicle is outside the maximum defined radius from the delivery site is called a fixed time interval position reporting mode." (Page 3, second column, lines 1-10), it would have been obvious to use the security and alarming system of Gray into the traveling machine management system of Obata to provide a more effective security monitoring and vehicle tracking system.

Claims 7, 9, 11 and 13 are corresponding to claim 6, therefore, note the rejection as set forth above with respect to claim 6.

Response to Arguments

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JACK KEITH can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, sweeping initial 'M'.

MATTHEW LUU
PRIMARY EXAMINER